APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,884	11/20/2003	Ross W. Duncan	10758.00	9400

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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2452	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Office Action Summary	10/717,884	DUNCAN, ROSS W.
	Examiner	**Art Unit**	
	DOHM CHANKONG	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 June 2009</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>20-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>20-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 5

DETAILED ACTION

This action is in response to Applicant's amendment filed on 6/11/2009. Claims 20 and

22 are amended. Claims 1-19 were previously cancelled. Accordingly, claims 20-23 are

presented for further examination. This action is a final rejection.

Response to Arguments

Applicant's amendment with respect to claim 20 have been considered but does not

overcome the cited referenced *Drummond*. *Drummond* discloses providing scripts in a variety of

formats including Diebold 91X, NCR PAS, or IBM 473X [column 32 «lines 26-36»].

Drummond's different messages are interpreted as Applicant's claimed scripts as *Drummond*

discloses that the messages contain instructions to be executed [column 36 «lines 20-26»].

Finally, *Drummond* discloses a script engine for parsing these messages [column 51 «lines 35-

40»: a Diebold 91x plug-in for supporting 91x messages].

Applicant's amendment to claim 22 also does not overcome *Drummond*. *Drummond*,

and COMM [column 7 «lines 45-48» | column 47 «lines 44-50»]. The discloses a variety of

script engines including a java virtual machine, Active-x, C++, CORBA se examples represent

script engines other than a JVM or CGI. The examiner notes that claim 22 differs in scope from

claim 20 by not claiming a first and second script engine but only a single script engine.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making
and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
contemplated by the inventor of carrying out his invention.

Claims 20 and 22 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention.

Any negative limitation or exclusionary proviso must have basis in the original

disclosure. *MPEP § 2173.05(i)*. Moreover, the mere absence of a positive recitation is not basis

for an exclusion and any claim containing a negative limitation which does not have basis in the

original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. *Id*.

Here, claims 20 and 22 contain the exclusionary proviso "other than...a Common

Gateway Interface." Applicant's specification fails to provide any basis for this exclusion. The

specification does not provide any description for what the script engine cannot be including a

Common Gateway Interface. Thus, claims 20 and 22 are rejected for failing to comply with the

written description requirement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

I.   **CLAIMS 20-23 ARE REJECTED UNDER 35 U.S.C. §102(E) AS BEING UNPATENTABLE OVER
        DRUMMOND ET AL., U.S. PATENT NO. 6.970.846 ["*DRUMMOND*"].**

Claim 20

As to claim 20, *Drummond* discloses a self-service terminal comprising:

a web browser [Fig. 2, «item 76»];

a Java Virtual Machine executing on the Web browser and for executing Java

code associated with a Web page, the Java Virtual Machine including a first script engine for

parsing Java script having an extension indicative of Java script [Fig. 2 «items 80, 82»: java

environment reads on virtual machine];

a software agent infrastructure comprising a plurality of interacting agents, the plurality

of interacting agents including a portal agent which receives communications on behalf of the

agent infrastructure [Fig. 2 «items 70, 84, 109»: applets read on claimed agent infrastructure and

server program reads on portal agent | column 32 «lines 48-56»: server is located in the ATM

which serves as a link to transaction instructions]; and

a second script engine different from the first script engine and other than a Java Virtual

Machine or a Common Gateway Interface [column 51 «lines 35-40»: a Diebold 91x plug-in for

supporting 91x messages], the second script engine communicating with the web browser and

the software agent infrastructure [column 51 «lines 35-40»: the plug-in acting as a proxy for 91x

messages between the web browser and external agents] and operating to (i) parse script having a

dedicated agent extension different from the extension indicative of Java script [column 32

«lines 26-36»] and (ii) translate data output from the portal agent to a format which can be

interpreted by the web browser and thereby to establish a communication link between the web

browser and the software agent infrastructure [column 36 «lines 15-30»: converting 91x

messages to HTTP messages].

Claim 21

As to claim 21, *Drummond* discloses a self-service terminal as claimed in claim 20,

wherein the format which can be interpreted by the web browser is HTML [column 4 «lines 31-

36»].

Claim 22

As to claim 22, *Drummond* discloses A method of establishing a communication link

between a web browser and a software agent infrastructure that outputs data in a first format

which is unable to be interpreted by the web browser, the method comprising:

receiving a request from the web browser for data or functionality available from the

software agent infrastructure [column 32 «lines 36-42 and 48-56»: the server in the ATM

produces transaction requested by the browser];

using a script engine which is other than either a Java Virtual Machine or a Common

Gateway Interface to translate the request received from the web browser into a second format

which is able to be interpreted by software agent infrastructure [column 32 lines 22-26» | column

47 «lines 44-50»: ActiveX]; and

transmitting the translated request to the software agent infrastructure to establish the

communication link between the web browser and the software agent infrastructure [column 32

lines 22-26»].

Claim 23

As to claim 23 *Drummond* discloses the method of claim 22 wherein the second format which is able to be interpreted by the web browser is HTML [column 4 «lines 31-36»].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/
Primary Examiner, Art Unit 2452